

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

BLACK MOUNTAIN EQUITIES, INC.,

Plaintiff,

-against-

ADVANCED CELL TECHNOLOGY, INC.,

Defendant.

Case No.: 11 Civ. 07305

STIPULATION OF DISMISSAL

Plaintiff Black Mountain Equities, Inc. ("Plaintiff") and defendant Advanced Cell Technology, Inc. ("Defendant" and collectively with Plaintiff, the "Parties"), through their respective undersigned counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby stipulate as follows:

WHEREAS, the Parties have reached an agreement to settle their dispute in this action as reflected in the Settlement and Release Agreement dated April 9, 2012 ("Settlement Agreement");

IT IS HEREBY STIPULATED AND AGREED, by and among the Parties hereto, through their respective counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that this action is hereby voluntarily dismissed with prejudice, each party to bear its own costs; and

IT IS FURTHER STIPULATED AND AGREED, by and among the Parties hereto, through their respective counsel, that this Court shall retain jurisdiction to enforce the terms of the Settlement Agreement, including but not limited to, the hearing and determination of any application seeking the issuance of a judgment as set forth therein.

Dated: May 4, 2012
New York, New York

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*Counsel for Defendant Advanced Cell
Technology, Inc.*

SO ORDERED,

DATED:

_____, 2012
New York, New York